

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

CHRISTOPHER MCCULLOUGH,)
)
Plaintiff,)
)
v.) **Civil Action No. 3:05-cv-01163-WKW-SRW**
)
CLAY STEWART, et al.,)
)
Defendants.)

DEFENDANTS' MOTION FOR EXTENSION OF TIME

COME NOW Clay Stewart, Jail Administrator for the Chambers County, Alabama, Detention Facility, and Sergeant John Carmichael, Defendants in the above-styled cause, and move this Honorable Court for an extension of time in which to file their Objections to the Magistrate Judge's Recommendation which are presently due on July 15, 2008. As grounds for said motion, Defendants state as follows:

1. On July 2, 2008, the Magistrate Judge issued a second Recommendation in this case after Plaintiff filed Objections to her first Recommendation of May 23, 2008.
2. The May 23, 2008 Recommendation determined that Plaintiff had not exhausted his administrative remedies as required by 42 U.S.C. § 1997e(a) and granted Defendants Summary Judgment.
3. The July 2, 2008 Recommendation stated that the Defendants were not entitled to Summary Judgment.
4. In Plaintiff's June 18, 2008 Objections to the May 23, 2008 Recommendation, he asserted that he attempted futilely to file a Grievance with the Administrator of the Chambers County Detention Facility, one of the Defendants in this case, and with the Sheriff's Office.

5. It is Defendants' belief, based on valid evidence and documentation, the affidavit testimony of numerous witnesses, and their own knowledge of the facts, that Plaintiff has invented out of whole cloth his assertion about his attempts to file a Grievance solely to escape the consequences of the Magistrate Judge's May 23, 2008 Recommendation.

6. However, Defendants are forced by the false statements in Plaintiff's Objections to prove a negative, and such has proven to be a time-consuming task.

WHEREFORE, PREMISES CONSIDERED Defendants respectfully request this Honorable Court grant their Motion for Extension of Time to file their Objections to the Magistrate Judge's July 2, 2008 Recommendation up to and including July 28, 2008.

Respectfully submitted this 11th day of July, 2008.

s/Winthrop E. Johnson
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CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of July, 2008, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Christopher McCullough
AIS#174909
W E Donaldson Correctional Facility
100 Warrior Lane
Bessemer, AL 35203

s/Winthrop E. Johnson
OF COUNSEL